FILED

MAY 05 2017

PETER A. MOORE, JR., CLERK
US DISTRICT COURT, EDNC
BY ____________ DEP CLK

UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

In the Matter of the Search of
(Briefly describe the property to be searched or identify the person by name and address)

Shannon KEITHLEY, in order to discover any cell phone in her possesion, her personal effects, vehicle and the actual device(s) belonging to Shannon KEITHLEY

Case No. 7:17-mj-1139-RJ

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the property to be searched and give its location)*:
cellular phone belonging to Shannon Stewart KEITHLEY and all text, image and media files present or deleted stored within the device.

located in the Eastern District of North Carolina, there is now concealed *(identify the person or describe the property to be seized)*:
text message communications and image files exchanged between Shannon Stewart KEITHLEYand a 17yrs old male sexual in nature to include coercion and enticement of sexual acts to include images of the child's genitalia.

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- ☑ evidence of a crime;
- ☑ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	*Offense Description*
18 USC 2251	Sexual Exploitation of Children
18 USC 2252	Activities Related to Material Involving Sexual Exploitation of Minors
18 USC 2422	Coercion and Enticement

The application is based on these facts:

☐ Continued on the attached sheet.

☐ Delayed notice of _____ days (give exact ending date if more than 30 days: ___________) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

[signature]
Applicant's signature

RONALD C. ROSEPILER/SPECIAL AGENT, NCIS
Printed name and title

Pursuant to Rule 4.1 of the Federal Rules of Criminal Procedure, the applicant appeared before me via reliable electronic means, was placed under oath and attested to the contents of this Application for Search Warrant.

Date/Time: May 5, 2017 8:59 am

[signature]

City & State: Wilmington, North Carolina

Robert B. Jones Jr., United States Magistrate Judge

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

Your Affiant declares under penalty of perjury that the following facts are true and that there is probable cause to believe, and affiant does believe, that the designated articles, property, and persons are now in the described locations, including all rooms, buildings, and structures used in connection with the premises and buildings adjoining them, the vehicles and the persons:

AFFIANT'S EXPERTISE:

I, the Affiant, Ronald C. ROSEPILER, have been employed as a Special Agent with the Naval Criminal Investigative Service (NCIS) since June 2012. I am currently stationed at NCIS Resident Agency (NCISRA) Marine Corps Base (MCB) Camp Lejeune, NC. Prior to working for NCIS, I was employed as a Deputy Sheriff and Detective with the Clay County Sheriff's Office, Florida for 10 years. I currently have approximately 17 years of law enforcement experience, and have received extensive job related training and specialized training in all aspects of law enforcement. This training includes, but is not limited to, training in conducting criminal investigations through the Federal Law Enforcement Training Center (FLETC) and the Florida Criminal Justice Standards and Training Commission. I possess an Associate in Science Degree from Vincennes University and graduated from Columbia College with a Bachelor of Arts Degree in Criminal Justice Administration. Additionally, I have attended hundreds of hours of specialized training for conducting numerous types of investigations.

I have experience and/or training investigating criminal offenses to include, but not limited to, homicide, robbery, rape, sexual assault, child pornography, assault, burglary, fraud, computer related crimes, and larcenies. I have received specialized training in the area of child pornography and child sexual exploitation, as well as specialized instruction on how to conduct investigations of child pornography and child sexual exploitation via the internet. I have specialized training and experience in conducting investigations involving the use of Peer-to-Peer (P2P) networks.

I have investigated crimes committed by and against both adults and juveniles and have written and executed numerous search warrants in connection with criminal investigations. These investigations have resulted in numerous arrests and convictions in Florida State Courts and Military Proceedings.

I have investigated and participated in numerous cases involving those who possess and distribute images of child pornography, sexually molest children, and physically abuse children. Further, I have investigated and participated in numerous cases involving individuals who have been sexually assaulted and/or physically abused. During my investigations I have had to view sexually explicit pictures of children, depicting them in the nude, and in sexually provocative poses. I have had contact with a wide variety of children of different ages and have been trained in the manner and procedure of child forensic interviewing (for clarity, however, I am not certified to conduct child forensic interviews). Further, I have had training in the manner in which adults seek out, find and molest or exploit their child victims. I have talked to persons both adults and children who have told me of the manner in which they have been victimized as children.

FEDERAL CRIMINAL STATUTES INVOLVED

Title 18 United States Code (USC) 2251 (Sexual Exploitation of Children), Title 18 USC 2252 (Certain Activities Relating to Material Involving the Sexual Exploitation of Minors) and Title 18 USC 2422 (Coercion and enticement). Title 18 USC 2422(b) reads: "Whoever, using the mail or any facility or means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States knowingly persuades, induces, entices, or coerces any individual who has not attained the age of 18 years, to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense, or attempts to do so" has committed such offense.

PROBABLE CAUSE

The information contained in this affidavit is based upon my knowledge, as well as information gathered from other law enforcement agents, statements and documents provided by witnesses, and other records obtained from other entities. This affidavit is intended to show that there is probable cause for the requested search warrant and does not purport to set forth all of my knowledge of the facts and circumstances of this investigation.

On 04May17, your affiant was notified by USMC Criminal Investigation Division (CID), Marine Corps Base (MCB) Camp Lejeune, NC (CLNC) regarding the alleged sexual exploitation of a male, juvenile student, 17yrs old (further referred to as JR) at Camp Lejeune High School, MCB CLNC (a place within the special maritime and territorial jurisdiction of the United States), by a teacher at the school, Shannon KEITHLEY. Interview of JR revealed in early February 2017, KEITHLEY secretly provided JR her phone number and asked that he text her his baseball schedule. Subsequent to JR texting the schedule, over the next couple of weeks KEITHLEY began having friendly text conversations with JR via their cell phone numbers. JR advised around the beginning of April 2017, the text conversations between JR and KEITHLEY became sexual in nature with KEITHLEY talking about wanting to engage in sexual acts with JR to include oral and sexual intercourse. JR advised on at least two occasions KEITHLEY attempted to schedule a meet up so that they could engage in sexual acts together. JR stated shortly after talking about engaging in sexual acts, KEITHLEY instructed JR to download an application on his cellphone called "Signal". JR disclosed that upon continuing text communications with KEITHLEY via the Signal application, KEITHLEY began talking about the exchange of images between each other. JR stated he requested an image of KEITHLEY's breasts, which she provided via the Signal application. JR stated KEITHLEY then requested an image of JR's penis, which he in return provided via the Signal application. JR stated in all KEITHLEY provided two images of her breasts and he provided two images of his penis. JR advised they continued to communicate via text with the Signal application until they went back to texting utilizing traditional text via phone number to phone number. JR stated KEITHLEY on one occasion did send an image via traditional text of KEITHLEY; however, it was not sexual in nature. JR stated around the end of April 2017, he texted KEITHLEY and asked that she not text him anymore and delete any history of their communications between each other. JR has not communicated with KEITHLEY since that last message.

TECHNICAL AND LAW ENFORCEMENT EXPERIENCE

As a result of your Affiant's training and experience, I have learned that certain characteristics are generally found to exist in people that buy, produce, trade, or sell child pornography; who molest children and/or who are involved with the use of children in sexual acts. The following characteristics can be found:

1. There are persons whose sexual objects are children. They receive sexual gratification and satisfaction from actual physical contact with children and from fantasy involving use of pictures, other photographic or art mediums, and writings on or about sexual activity with children;

2. These people collect sexually explicit material consisting of photographs, magazines, motion pictures, videotapes, books, and slides, and computer images, which they use for their own sexual gratification and fantasy;

3. The majority of these people prefer contact with children of one sex as well as in a particular age or developmental range peculiar to each individual. These people obtain, collect, and maintain photographs and photographic computer files of the children they are or have been involved with. These photos may depict children fully clothed, in various states of undress or totally nude, in various activities, not necessarily sexually explicit.

4. Based on the above listed information, this Affiant believes probable cause exists to search KEITHLEY's cell phones, computers and any other digital media devices which are suspected of containing images, videos and communications between JR and KEITHLEY which may have been used for the sexual exploitation and/or solicitation of JR.

5. The foregoing facts lead this Affiant to believe that there exists probable cause to forensically analyze any and all digital media seized from KEITHLEY's person for evidence of violations Title 18 United States Code (USC) 2251 (Sexual Exploitation of Children), Title 18 USC 2252 (Certain Activities Relating to Material Involving the Sexual Exploitation of Minors) and Title 18 USC 2422 (Coercion and enticement).

6. Based on your Affiant's knowledge, training, and experience, your Affiant knows that computer files or remnants of such files can be recovered months or even years after they have been downloaded onto a hard drive, deleted or viewed via the Internet. Electronic files downloaded to a hard drive can be stored for years at little or no cost. Even when such files have been deleted, they can be recovered months or years later using readily available forensic tools. When a person "deletes" a file on a home computer, the data contained in the file does not actually disappear; rather, that data remains on the hard drive until it is overwritten by new data. Therefore, deleted files, or remnants of deleted files, may reside in free space or slack space, that is, in space on the hard drive that is not allocated to an active file or that is unused after a file has been allocated to a set block of storage space for long periods of time before they are overwritten. In addition, a computer's operating system may also keep a record of deleted data in a "swap" or "recovery" file.

ITEMS TO BE SEARCHED

The person of Shannon KEITHLEY, in order to discover any cell phone in her possession, her personal effects, vehicle, and the actual Cellular phone device(s) belonging to Shannon KEITHLEY

Based on all this information, your Affiant believes the items which are requested to be searched and seized are justified. Based upon my training and experience and the facts contained within this affidavit, I believe that the items sought will be found at the places indicated and described. I say that the foregoing information and constituting evidence tends to show that evidence of a felony has been committed within the Territorial Jurisdiction of the United States.

Your Affiant has probable cause to believe that the grounds for the issuance of a Search Warrant exists, based upon the aforementioned facts and circumstances. Your Affiant requests that a Search Warrant be issued based on the above facts for the seizure of said property, or any part thereof.

I certify (declare) under penalty of perjury that the foregoing is true and correct.

Robert B. Jones, Jr.
US Magistrate Judge

Ronald C. Rosepiler, SA, NCIS

Pursuant to Rule 4.1 of the Federal Rules of Criminal Procedure, the affiant appeared before me via reliable electronic means, was placed under oath and attested to the contents of this Affidavit.

Date/Time: [illegible]
Wilmington, N.C.
City & State: Wilmington, North Carolina

Robert B. Jones Jr., United States Magistrate Judge